

1	UNITED STATES DISTRICT COURT	
2	DISTRICT OF NEVADA	
3	RACHEL MARIE WHITTED	Case No. 3:21-cv-00102-MMD-WGC
4	(#1212277), aka Ralph Whitted,	
5	Plaintiff	ORDER
6	v.	
7	PERRY RUSSELL, <i>et al.</i> ,	
8	Defendants	

9 **I. DISCUSSION**

10 On February 24, 2021, Plaintiff, an inmate in the custody of the Nevada
11 Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C.
12 § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff’s
13 application to proceed *in forma pauperis* is incomplete.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin
15 a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil
16 action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the
17 inmate must submit all three of the following documents to the Court:

18 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this
19 Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on
20 page 3),
21 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
22 official (i.e. page 4 of this Court’s approved form), and
23 (3) a copy of the **inmate’s prison or jail trust fund account statement for the**
24 **previous six-month period**.

25 Plaintiff has not submitted a Financial Certificate on this Court’s approved form
26 with the application to proceed *in forma pauperis*. Accordingly, the Court denies Plaintiff’s
27 application to proceed *in forma pauperis* (ECF No. 1) without prejudice because the
28 application is incomplete. The Court will grant Plaintiff a **one-time extension** to file a

1 fully complete application to proceed *in forma pauperis* containing all three of the required
2 documents. Plaintiff will file a fully complete application to proceed *in forma pauperis* on
3 or before **April 27, 2021**. Absent unusual circumstances, the Court will not grant any
4 further extensions of time. If Plaintiff does not file a fully complete application to proceed
5 *in forma pauperis* with all three required documents on or before **April 27, 2021**, this case
6 will be subject to dismissal without prejudice for Plaintiff to file a new case with the Court
7 when Plaintiff is able to acquire all three of the documents needed to file a fully complete
8 application to proceed *in forma pauperis* or pays the full \$402 filing fee.

9 A dismissal without prejudice means Plaintiff does not give up the right to refile the
10 case with the Court, under a new case number, when Plaintiff has all three documents
11 needed to submit with the application to proceed *in forma pauperis*. Alternatively, Plaintiff
12 may choose not to file an application to proceed *in forma pauperis* and instead pay the
13 full filing fee of \$402 on or before **April 27, 2021** to proceed with this case.

14 The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court
15 will not file the complaint unless and until Plaintiff timely files a fully complete application
16 to proceed *in forma pauperis* with all three documents or pays the full \$402 filing fee.

17 **II. CONCLUSION**

18 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed
19 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete
20 application to proceed *in forma pauperis* with all three documents.

21 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
22 approved form application to proceed *in forma pauperis* by an inmate, as well as the
23 document entitled information and instructions for filing an *in forma pauperis* application.

24 IT IS FURTHER ORDERED that on or before **April 27, 2021**, Plaintiff will either
25 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
26 administrative fee) or file with the Court:

27 (1) a completed Application to Proceed *in Forma Pauperis* for Inmate on this
28 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two

signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the inmate's prison or jail trust fund account statement for the previous six-month period.

IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action on or before **April 27, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three documents needed to file a complete application to proceed *in forma pauperis* or pays the the full \$402 filing fee.

IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint (ECF No.1-1) but will not file it at this time.

DATED: March 1, 2021

Walter G. Cobb

UNITED STATES MAGISTRATE JUDGE